

REMARKS

Favorable reconsideration of this application, as presently amended and in light of the following discussion, is respectfully requested.

Claims 1, 3-6, 11-12, 17, 21-22, 24-25, 27, 31, 33-36, 42, 48-50 and 52-59 are pending, with claims 1, 6, 31, 50, 53-57 and 59 amended, and claims 2 and 51 cancelled without prejudice or disclaimer by the present amendment. Claims 1, 31 and 50 are independent.

In the Official Action, claims 1-6, 12, 17, 21-22, 24-25, 27, 31, 33-36, 42-43, 47-55 and 58-59 were rejected under 35 U.S.C. § 102(e) as being anticipated by Chung (U.S. Patent Pub. No. 2003/0086690); and claims 56-57 were rejected under 35 U.S.C. § 103(a) as being obvious in view of Chung and Kelts (U.S. Patent Pub. No. 2001/0030667).

Independent claims 1 and 50 are amended to recite the features of previously pending claims 2 and 51, respectively. Claims 1 and 50 are further amended to more clearly describe and distinctly claim applicant's invention. Independent claim 31 is similarly amended. Claims 6, 53-57 and 59 are amended to maintain antecedent support. Support for this amendment is found in Applicant's originally filed specification. No new matter is added.

In view of the incorporation of previously pending claim 2 into claim 1, the rejection of claim 1 is moot. The following comments are directed to the rejection of previously pending claim 2.

Briefly recapitulating, amended claim 1 is directed to

A method for setting a playback environment for a recording medium, the method comprising:

loading a start-up file into a temporary storage area;

determining availability of additional contents associated with audio/video (A/V) data recorded on the recording medium, based on control data recorded on the recording medium or received through a communication network from an external server, said control data comprising system environment elements used for the additional contents, *the system environment elements being included in the start-up file and comprising at least one of information associated with a playback right, a region code, a language of the additional contents and memory management information, the memory management information associated with a space of the temporary storage area for storing at least the start-up file;*

storing the additional contents in the temporary storage area as a result of the determining step; and

reproducing the A/V data and the additional contents loaded in the temporary storage area according to the control data,

wherein said additional contents includes at least one of an HTML file, an image file and a sound file.

Chung describes a method of reproducing data from an interactive optical storage medium in a reproducing apparatus having a memory. The method includes: reading a control information file having control information to form an interactive screen and preload font information from the interactive optical storage medium; reading a data file of the interactive screen; reading a preload file when a preload command is included in the data file of the interactive screen and preloading the fonts, which are defined by the preload file representing displayable language of the interactive screen into the memory of the reproducing apparatus; outputting the interactive screen in one of the preloaded fonts according to the data file of the interactive screen; and synthesizing an A/V data screen in which A/V data is reproduced, with the interactive screen in the one of the preloaded fonts.

Referring to FIGS. 5 through 7 and 11A of Chung, in operation 1110, a file DVD_ENAV.IFO having control information for constituting an initial interactive screen is read

from the interactive optical storage medium. *In operation 1120, the device of Chung determines whether the basic fonts to be initially loaded are included in the control information file.* In operation 1121, the basic fonts are loaded into the third memory 960 of FIG. 9 when the basic fonts to be initially loaded *are included* in the control information file. In operation 1130, the data file of the defined interactive screen is read when the basic fonts to be initially loaded *are not included* in the control information file in step 1120 and after operation 1121.

However, contrary to the Official Action, Chung does not disclose or suggest Applicant's claimed a) system environment elements being included in the start-up file and comprising at least one of information associated with a playback right, a region code, a language of the additional contents and memory management information; and b) additional contents that includes at least one of a html file, an image file and a sound file. Applicant's rationale follows.

The Official Action asserts that the [A.HTM] directory of Chung corresponds to Applicant's claimed "system environment elements being included in the start-up file." However, the [A.HTM] directory of Chung represents HTML file having data of the output screen A in relation to video reproduction information. On the other hand, Applicant's start-up information is included in the start-up file, and the start-up file comprises information about the system environment settings. Also, one skilled in the art would know that processing system environment settings (i.e., Applicant's claimed invention) is performed prior to reproducing A/V data on the recording medium (per Chung). Therefore, Chung's use of the [A.HTM] directory to display an output with reference to video reproduction information is different from the system environment settings of the present invention. Thus, for a first reason, amended independent claim 1 patentably defines over Chung.

The Official Action also asserts that Chung's right to output determined font corresponds to Applicant's claimed playback right. However, in Chung, when there is no suitable font, a font that can be replaced and displayed on the screen is searched and displayed on the screen using additional information when preloading of the font. However, Applicant's claimed playback right is information authorizing access to A/V data on the recording medium. Chung's ability to substitute fonts is not related to Applicant's claimed playback right. Thus, for a second reason, amended independent claim 1 patentably defines over Chung.

Furthermore, Chung does not disclose or suggest Applicant's newly claimed memory management information associated with a space of the temporary storage area for storing at least the start-up file. Thus, for a third reason, amended independent claim 1 patentably defines over Chung.

Furthermore, contrary to the Official Action relative to previously pending claim 2, because Chung does not disclose or suggest Applicant's claimed start-up file, Chung also does not disclose or suggest loading a start-up file into a temporary storage area. Thus, for a fourth reason, amended independent claim 1 patentably defines over Chung.

Applicant submits that amended independent claims 31 and 50 patentably define over Chung for reasons similar to those presented above relative to amended independent claim 1.

MPEP § 2131 notes that "[a] claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). See also MPEP § 2131.02. "The identical invention must be shown in as complete detail as is contained in the ... claim." *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226,

1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989). Because Chung does not disclose or suggest all of the features recited in claims 1, 31 and 50, Chung does not anticipate the invention recited in claims 1, 31 and 50, and all claims depending therefrom.

Applicant has considered the remaining applied references and submits that the remaining references do not cure the deficiencies of Chung. As none of the cited art, individually or in combination, disclose or suggest at least the above-noted features of independent claims 1, 31 and 50, Applicant submits the inventions defined by claims 1, 31 and 50, and all claims depending therefrom, are not rendered obvious by the asserted references for at least the reasons stated above.

MPEP 2141 notes that prior art is not limited just to the references being applied, but includes the understanding of one of ordinary skill in the art. MPEP 2141 further notes that the prior art reference (or references when combined) need not teach or suggest all the claim limitations. However, an obviousness-type rejection must explain why the difference(s) between the prior art and the claimed invention would have been obvious to one of ordinary skill in the art. MPEP 2141 goes on to list exemplary rationales that may support a conclusion of obviousness. However, Applicant submits that the Official Action and the applied references present no objective evidence that would support an obviousness-type rejection of Applicant's amended claims based on one of these exemplary rationales.

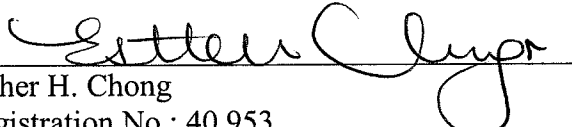
CONCLUSION

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Michael E. Monaco, Reg. No. 52,041 at the telephone number of the undersigned below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37.C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

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Respectfully submitted,

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